

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

..... X  
MELISSA KAYE,

PLAINTIFF,

-against-

NEW YORK CITY HEALTH AND HOSPITALS CORPORATION;  
ELIZABETH FORD; ABHISHEK JAIN; JONATHAN WANGEL; and  
PATRICIA YANG (in their official and individual capacities and as  
aiders and abettors)

18-CV-12137  
(JPC)(JLC)

DEFENDANTS.

..... X

**DECLARATION OF SPECIAL HAGAN IN SUPPORT OF PLAINTIFF'S RESPONSES TO  
DEFENDANTS 56.1 STATEMENT OF UNDISPUTED MATERIAL FACTS**

I, SPECIAL HAGAN, declare, pursuant to 28 U.S.C. § 1746 under penalty of perjury  
that the foregoing is true and correct:

- 1) I represent plaintiff MELISSA KAYE, M.D., as such, I am familiar with the facts and circumstances underlying this action. Accordingly, I submit this declaration in opposition to defendants' motion for summary judgment.
- 2) Plaintiff respectfully requests oral argument on this motion.
- 3) Attached hereto as Exhibit 1 is Plaintiff's Amended Complaint as filed on May 2<sup>nd</sup>, 2019.  
(ECF Dkt. 25-1)
- 4) Attached hereto as Exhibit 2 is Plaintiff's Amended Complaint as filed on May 3, 2019.  
(ECF Dkt. 29)
- 5) Attached hereto as Exhibit 3 is NYCERS Department Certificate Benefits Service Form  
baring the bates stamp series: D00076-D00079.

- 6) Attached hereto as Exhibit 4 is the Declaration of Melissa Kaye, M.D. (Kaye Decl.)
- 7) Attached hereto as Exhibit 5 is an Email forwarded by Yang dated May 3, 2018 with the Subject: Pay Equity for Court Clinic Medical Directors baring the bates stamp series: NYC00208-NYC000211.
- 8) Attached hereto as Exhibit 6 is an Email from Jain dated May 11, 2018 with the Subject: Titles, baring the bates stamp series: NYC000216.
- 9) Attached hereto as Exhibit 7 is an Email from Kaye dated May 25, 2018 with the Subject: Business Cards, baring the bates stamp series: NYC000228-NYC000233.
- 10) Attached hereto as Exhibit 8 is an Email from S. Gillen dated May 14, 2018 with the Subject: 730 Retention Bonus, baring the bates stamp series: NYC00220-NYC00221.
- 11) Attached hereto as Exhibit 9 is the Deposition of Melissa Kaye, M.D. as taken on November 15, 2021 (Kaye Dep. 11/15/21).
- 12) Attached hereto as Exhibit 10 is the Deposition of Patricia (Patsy) Yang as taken on February 28, 2020.
- 13) Attached hereto as Exhibit 11 is an Health and Hospital Corporation Press Release dated June 18, 2015.
- 14) Attached hereto as Exhibit 12 is an Email from Yang dated January 31, 2018 with the Subject: 730 Clinic Management Consolidation, baring the bates stamp series : NYC000064-NYC000065.
- 15) Attached hereto as Exhibit 13 is an Email from Bloom dated December 16, 2015, with the Subject: Call from Melissa Kaye baring the bates stamp series: Kaye6thProd0003-Kaye6thProd0004.

- 16) Attached hereto as Exhibit 14 is the Deposition of Elizabeth Ford, M.D. (Ford Decl.).
- 17) Attached hereto as Exhibit 15 is the Deposition of Abhishek Jain, M.D. (Jain Dep.).
- 18) Attached hereto as Exhibit 16 is an email from L. Rodriguez dated November 24, 2010 with the Subject: FW: RE: Budget -Circ on Forensic Court Clinic baring the bates stamp series: D000374-D000378.
- 19) Attached hereto as Exhibit 17 is the Bellevue Joint Oversight Committee Personnel Request Form for Steven Cric, M.D., baring the bates stamp series: D000437-D000439.
- 20) Attached hereto as Exhibit 18 is the Personnel Action Form for Steven Cric with Effective Date of April 5, 2004, baring the bates stamp series: D000451-D00454.
- 21) Attached hereto as Exhibit 19 is the curriculum vitae for Dr. Melissa Kaye, baring the bates stamp series: NYC002541-NYC0002544.
- 22) Attached hereto as Exhibit 20 is the curriculum vitae for Dr. Steven Cric, baring the bates stamp series: D000397-D000400.
- 23) Attached hereto as Exhibit 21 are Dr. Kaye's Statistics for the Bronx Court Clinic for Calendar Years 2018 and 2019.
- 24) Attached hereto as Exhibit 22 is Defendants' ISight Chart, baring the bates stamp series: NYC003933.
- 25) Attached hereto as Exhibit 23 is the Deposition of Melissa Kaye's Cross Examination as taken on January 25, 2022 (Kaye Cross Exam 1/25/22).
- 26) Attached hereto as Exhibit 24 is the Deposition of Barry Winkler, Psy. J.D. (Winkler Dep.).

- 27) Attached hereto as Exhibit 25 is the Vacancy Request Form for Daniel Mundy, M.D. dated January 19, 2018, baring the bates stamp series: D00350-D00351.
- 28) Attached hereto as Exhibit 26 is Dr. Steve Cric's Appointment Letter dated June 21, 2001, baring the bates stamp series: D000450.
- 29) Attached hereto as Exhibit 27 is Dr. Cric's Exit Signature and Resignation Forms, baring the bates stamp series: D000431-D000432.
- 30) Attached hereto as Exhibit 28 is an Email from Bloom dated December 16, 2015 with the Subject: Call from Melissa Kaye, baring the bates stamp series: Kaye6thProd003-KayeProd6thProd0004.
- 31) Attached hereto as Exhibit 29 is an Email from Kaye dated December 17, 2015 with the Subject: MF, baring the bates stamp series: Kaye6thProd0009-Kaye6thProd00013.
- 32) Attached hereto as Exhibit 30 is an Invoice for Defendant Yang's Deposition as taken on February 28, 2020.
- 33) Attached hereto as Exhibit 31 is a Fax from R. Peck from Correctional Health Services dated February 2, 2018.
- 34) Attached hereto as Exhibit 32 is an Email from Bloom dated December 9, 2015 with the Subject: 730 List, baring the bates stamp series: Kaye6thProd00557-Kaye6thProd00559.
- 35) Attached hereto as Exhibit 33 is the Deposition of Jeffrey Bloom, Esq., (Bloom Dep.).
- 36) Attached hereto as Exhibit 34 is an Email from CHS Communications/Ross MacDonald, M.D. dated December 2, 2019 with the Subject: CHS Leadership Changes, baring the bates stamp series: NYC004255-NYC004256.

- 37) Attached hereto as Exhibit 35 is the Deposition of Ross MacDonald, M.D. (MacDonald Dep.).
- 38) Attached hereto as Exhibit 36 are Excerpts from the Deposition of Jonathan Wangel Esq., (Wangel Dep.)
- 39) Attached hereto as Exhibit 37 is an Email from Kaye dated February 12, 2018 with the Subject: 730 Schedule Disruption per CHS, baring the bates stamp series: NYC00105.
- 40) Attached hereto as Exhibit 38 is an Email from Kaye dated June 14, 2017 with the Subject: Information Sharing CHS, baring the stamp series: Kaye6thProd000216-Kaye6thProd000218).
- 41) Attached hereto as Exhibit 39 is an Email from McEvilley (of Legal Aid) dated September 20, 2017 with the Subject: William Rivera, baring the bates stamp series: Kaye6thProd00306-Kaye6thProd00308.
- 42) Attached hereto as Exhibit 40 is an Email from the Honorable Judge Villegas dated December 28, 2017, baring the bates stamp series: Kaye6thProd00398.
- 43) Attached hereto as Exhibit 41 is an Email from Kaye dated February 15, 2018 with the Subject: Peter Hall Records (for six months), baring the bates stamp series: Kaye6thProd00396-Kaye6thProd00397.
- 44) Attached hereto as Exhibit 42 is an Email from Kaye dated November 30, 2018 with the Subject: 30 Minute MD Lunch, baring the bates stamp series: NYC00928-NYC00929.
- 45) Attached hereto as Exhibit 43 are Excerpts from Dr. Elizabeth Ford's book: "Sometimes Amazing Things Happen." (as produced at Dr. Ford's Deposition as taken on September 27, 2021)

- 46) Attached hereto as Exhibit 44 are Kaye's 2009 and July 2012-December 2012 Performance Evaluations. (as produced at Dr. Ford's Deposition as taken on September 27, 2021)
- 47) Attached hereto as Exhibit 45 is a Letter from Russo to Judge Lieb dated February 20, 2018, baring the bates stamp series: NYC001921.
- 48) Attached hereto as Exhibit 46 is an Email from Winkler dated July 11, 2018 with the Subject: Affidavit and Order, baring the bates stamp series: NYC000360-NYC000363.
- 49) Attached hereto as Exhibit 47 is an Email from Kaye dated August 25, 2017 with the Subject: I Think I Should Forward Email to JHC (i.e. Jeremy H. Colley), baring the bates stamp series: Kaye5thProd012.
- 50) Attached hereto as Exhibit 48 is New York State Criminal Procedure Law § 730.
- 51) Attached hereto as Exhibit 49 is an Email from Wangel dated January 11, 2019 with the Subject: Email Access to Active Employee, baring the bates stamp series: NYC002192 to NYC002194.
- 52) Attached hereto as Exhibit 50 is an Email from Moore dated January 11, 2019 with the Subject: Email Access to Active Employee, baring the bates stamp series: NYC002193 to NYC002195.
- 53) Attached hereto as Exhibit 51 is an Email from Kaye dated January 5, 2018 with the Subject: Hi Melissa!, baring the bates stamp series: NYC003244.
- 54) Attached hereto as Exhibit 52 is an Email from Yang dated February 1, 2018 with the Subject: Judge Torres wants to Hold us In Contempt, baring the bates stamp series: NYC00074.

55) Attached hereto as Exhibit 53 is an Email from Santamaria dated October 2, 2018 with the Subject: Retention Bonus for Fiscal Year of July 1, 2017 to June 2018, baring the bates stamp series: NYC00640.

56) Attached hereto as Exhibit 54 is the Memorandum of Agreement from Doctors Council dated July 2017, baring the bates stamp series: NYC000641 to NYC000648.

57) Attached hereto as Exhibit 55 is an Email from Ford dated March 27<sup>th</sup>, 2018 with the Subject: Welcome! (and CVIs to review), baring the stamp series: NYC001958-NYC001959.

58) Attached hereto as Exhibit 56 is an Email from Kaye dated June 1, 2018 Job on 19, baring the bate stamp series: NYC003248.

59) Attached hereto as Exhibit 57 is a Human Resources Action Request Form, baring the bates stamp series: D000219-D00220.

60) Attached hereto as Exhibit 58 is the Deposition of Andrea Swenson (Swenson Dep.).

61) Attached hereto as Exhibit 59 is Dr. Kaye's EEOC and Supplemental Charge, baring the bates stamp series: D00752-D000762.

62) Attached hereto as Exhibit 60 is an Email from Bloom dated December 12, 2018 with the Subject: The Bronx Clinic, baring the bates stamp series: Kaye6thProd00456-Kaye6thProd00458.

63) Attached hereto as Exhibit 61 is an Email from Ford dated January 22, 2019 with the Subject: FPECC Policy -Managing Dual Roles with the Attached Policy, baring bates series: NYC001188-NYC001190.

64) Attached hereto as Exhibit 62 is Kaye's W2s, baring the bates stamp series: Kaye3rdProd0081-Kaye3rdProd00082.

- 65) Attached hereto as Exhibit 63 is Winkler's Action Request Form, baring the bates stamp series: D000165.
- 66) Attached hereto as Exhibit 64 is an Email from Smith dated April 9, 2019 with the Subject: Negative Vested Annual Leave, baring the bates stamp series: NYC002703-NYC002704.
- 67) Attached hereto as Exhibit 65 is an Email from Jain dated February 26, 2019 with the Subject: Overdue Performance Evaluations, baring the bates stamp series: NYC001326-NYC001327.
- 68) Attached hereto as Exhibit 66 is the Action Request Form for Dr. Elizabeth Owen, baring the bates stamp series: NYC000089-NYC000090.
- 69) Attached hereto as Exhibit 67 is a Calendar from Lewis dated March 30, 2018 with the Subject: CHS Court Clinics Meeting, baring the bates stamp series: NYC00980.
- 70) Attached hereto as Exhibit 68 is an Email from Kaye dated April 25, 2018 with the Subject: Pay Parity, baring the bates stamp series: NYC000171.
- 71) Attached hereto as Exhibit 69 is Doctor Council's Collective Bargaining Agreement, baring the bates stamp series: D000600-D000706.
- 72) Attached hereto as Exhibit 70 is an Email from Yang dated May 3, 2018 with the Subject: Pay Equity for Court Clinic Medical Directors, baring the bates stamp series: NYC000204-NYC000207.
- 73) Attached hereto as Exhibit 71 is an Email from Gillen dated April 25, 2018 with the Subject: Time Sensitive Melissa Kaye Question, baring the bates stamp series: NYC000177-NYC000178.

- 74) Attached hereto as Exhibit 72 is an Email from Jain dated January 24, 2019 with the Subject: Evaluations, baring the bates stamp series: NYC001199-NYC001200.
- 75) Attached hereto as Exhibit 73 is Defendants' Workproduct Spreadsheet, baring the bates stamp series: D001532.
- 76) Attached hereto as Exhibit 74 is an Email from Yang dated July 9, 2018 with the Subject: VCB/JOC Approval (NYU-8894 A/B); Adult Psychiatry -Attending Backfill/Parity Increase , baring the bates stamp series: NYC002040-NYC002041.
- 77) Attached hereto as Exhibit 75 is an Email from Kaye dated April 4, 2019 with the Subject: Negative Vested Annual Leave: Good Morning Ms. Smith ..., baring the bates stamp series: NYC002699-NYC002700.
- 78) Attached hereto as Exhibit 76 is an Email from Kaye dated December 18, 2015 with the Subject: MF, baring the bates stamp series: Kaye6thProd00014-Kaye6thProd0018.
- 79) Attached hereto as Exhibit 77 is an Email from Jain dated August 27, 2018 with the Subject: FPECC Psychological Testing Survey, baring the bates stamp series: NYC003306-NYC003308.
- 80) Attached hereto as Exhibit 78 is an Email from Jain dated November 7, 2018 with the Subject: Draft Psychological Testing Policy, baring the bates stamp series: NYC003399-NYC003402.
- 81) Attached hereto as Exhibit 79 is an Email from Mundy dated November 7, 2018 with the Subject: Draft Psychological Testing Policy, baring the bates stamp series: NYC003851-NYC003852.

- 82) Attached hereto as Exhibit 80 is an Email thread from Kaye dated November 8, 2018 with the Subject: Draft Psychological Testing Policy, baring the bates stamp series: NYC003842-NYC003847.
- 83) Attached hereto as Exhibit 81 is the Agenda for the November 30, 2018 Meeting, baring the bates stamp series: NYC002301.
- 84) Attached hereto as Exhibit 82 is the Draft Psychological Testing Policy, baring the bates stamp series: NYC002429-NYC002431.
- 85) Attached hereto as Exhibit 83 is an Email from Wangel dated January 11, 2019 with the Subject: CHS draft Policies Circulated, baring the bates stamp series: NYC001134-NYC001135.
- 86) Attached hereto as Exhibit 84 is the Finalized Psychological Testing Policy Signed by Dr. Ford dated February 11, 2019, baring the bates stamp series: NYC004063-NYC004065.
- 87) Attached hereto as Exhibit 85 is an Email from Kaye dated July 10, 2018 with the Subject: Direct Deposit, baring the bates stamp series: NYC00366-NYC00367.
- 88) Attached hereto as Exhibit 86 is an Email from Wangel dated July 11, 2018 with the Subject: FPECC Question, baring the bates stamp series: NYC00369-NYC00370.
- 89) Attached hereto as Exhibit 87 is an Email from Kaye dated July 13, 2018 with the Subject: 30 Minute Lunch, baring the bates stamp series: NYC00385.
- 90) Attached hereto as Exhibit 88 is an Email from Rosalind Barrow dated July 24, 2018 with the Subject: 30 Minute Lunch, baring the bates stamp series: NYC00402-NYC00403.
- 91) Attached hereto as Exhibit 89 is an Email from Kaye dated August 13, 2018 with the Subject: Pay Error, baring the bates stamp series: NYC00429.

- 92) Attached hereto as Exhibit 90 is an Email from Ayarza dated July 11, 2018 with the Subject: Kaye, M. Schedule, baring the bates stamp series: NYC00368.
- 93) Attached hereto as Exhibit 91 is an Email from Swenson dated July 2, 2018 with the Subject: KRONOS Accounts for FPECC Staff at Manhattan and Bronx, baring the bates stamp series: NYC000305-NYC000306.
- 94) Attached hereto as Exhibit 92 is an Email from Kaye dated July 3, 2018 with the Subject: KRONOS was not up and Running in the Bronx, baring the bates stamp series: NYC000317-NYC000319.
- 95) Attached hereto as Exhibit 93 is an Email from Jain dated July 23, 2018 with the Subject: Dr. Kaye Time Off, baring the bates stamp series: NYC00393.
- 96) Attached hereto as Exhibit 94 is an Email from Kaye dated August 28, 2018 with the Subject: Educational Leave 9/24/18, baring the bates stamp series: NYC003296.
- 97) Attached hereto as Exhibit 95 is an Email from Smith dated October 5, 2018 with the Subject: Educational Leave 9/24/18, baring the bates stamp series: NYC00689-NYC00690.
- 98) Attached hereto as Exhibit 96 is an Email from Smith dated October 12, 2018 with the Subject: Educational Leave 9/24/18, baring the bates stamp series: NYC00720-NYC00723.
- 99) Attached hereto as Exhibit 97 is an Email from Ford dated November 30, 2018 with the Subject: Docked Educational Leave, baring the bates stamp series: NYC00924.
- 100) Attached hereto as Exhibit 98 is an Email from Kaye to Dr. Badaracco dated October 19, 2018 with the Subject: Educational Leave for Board Exams, baring the bates stamp series: NYC02526.

101) Attached hereto as Exhibit 99 is an Email from Kaye to Dr. Colley dated October 19, 2018 with the Subject: Educational Leave for Board Exams, baring the bates stamp series: NYC002527.

102) Attached hereto as Exhibit 100 is an Email from Kaye dated October 5, 2018 with the Subject: 9/24 Time Sheet Error dated 10/5/18, baring the bates stamp series: NYC003360.

103) Attached hereto as Exhibit 101 is an Email from Kaye dated September 17, 2018 with the Subject: Annual Health Assessment Review Appointment Cancelled, baring the bates stamp series: NYC000528-NYC000531.

104) Attached hereto as Exhibit 102 is an Email from Wangel dated December 3, 2018 with the Subject: Expiring License Certification, baring the bates stamp series: NYC002262-NYC002263.

105) Attached hereto as Exhibit 103 is an Email from Yang dated February 15, 2019 with the Subject: Simmering About to Boil Over, baring the bates stamp series: NYC003911-NYC003913.

106) Attached hereto as Exhibit 104 is an Email from Kaye dated April 12, 2019 with the Subject: ATLS 2018 Time Keeping Year End Close, baring the bates stamp series: NYC003955-NYC003956.

107) Attached hereto as Exhibit 105 is an Email from Jain dated April 16, 2019 with the Subject: ATLS 2018 Timekeeping Year End Close, baring the bates stamp series: NYC002727-NYC002731.

108) Attached hereto as Exhibit 106 is an Email from Jain dated June 10, 2019 with the Subject: PeopleSoft Dr. Kaye Assignment, baring the bates stamp series: NYC02933-NYC002935.

- 109) Attached hereto as Exhibit 107 is an Email from Mundy dated July 16, 2019 with the Subject: Group 12 Performance Evaluation, baring the bates stamp series: NYC003033.
- 110) Attached hereto as Exhibit 108 is a Letter from Buell dated September 11, 2018 with the Subject: Supplemental EEOC Charge of Melissa Kaye, baring the bates stamp series: D00741.
- 111) Attached hereto as Exhibit 109 is an Email from Diamond dated September 13, 2018 with the Subject: Supplemental EEOC Charge of Melissa Kaye Charge 520-2018-01534, baring the bates stamp series: D00742-D00746.
- 112) Attached hereto as Exhibit 110 is an Email from Wangel dated September 17, 2018 with the Subject: Docs Council Lump Sum, baring the bates stamp series: NYC00560.
- 113) Attached hereto as Exhibit 111 is an Email from Alexander dated September 26, 2018 with the Subject: Can You Help Us Help Ourselves, baring the bates stamp series: NYC00581-NYC00582.
- 114) Attached hereto as Exhibit 112 is an Email from Mullett to Campese dated September 28, 2018 with the Subject: Total Work Hours: KAYE RETENTION PAYMENT, baring the bates stamp series: NYC.03419-NYC003422.
- 115) Attached hereto as Exhibit 113 is an Email thread between Kaye and Badaracco dated October 4, 2018 with the Subject: Retention Bonus, baring the bates stamp series: NYC00707-NYC000708.
- 116) Attached hereto as Exhibit 114 is an Email from Kaye dated October 31, 2018 with the Subject: FTE Error Causing Bonus Retention Error, baring the bates stamps series: NYC000797.

117) Attached hereto as Exhibit 115 is an Email from Collins dated November 13, 2018 with the Subject: Some Retention Bonus Issues, baring the bates stamp series: NYC00864-NYC00865.

118) Attached hereto as Exhibit 116 is an Email from Barrow, Colleen dated November 15, 2018 with the Subject: Dr. Kaye Retention Bonus Payment, baring the bates stamp series: NYC00866.

119) Attached hereto as Exhibit 117 is an Email from Wangel dated December 3, 2018 with the Subject: Expiring License/Certification, baring the bates stamp series: NYC00978-NYC00979.

120) Attached hereto as Exhibit 118 is an Email from Myrie dated December 18, 2018 with the Subject: Total Work Hours: KAYE RETENTION PAYMENT, baring the bates stamp series: NYC001028-NYC001057.

121) Attached hereto as Exhibit 119 is an Email from Kaye with the Subject: Annual Health Assessment Review dated September 7, 2018, baring the bates stamp series: NYC003310-NYC003311.

122) Attached hereto as Exhibit 120 is an Email from Wangel dated September 26, 2018 with the Subject: Docs Council Lump Sum, baring the bates stamp series: NYC002052.

123) Attached hereto as Exhibit 121 is an Email from Kaye dated November 28, 2018 with the Subject: Meeting 12/4 3:35PM, baring the bates stamp series: NYC02179-NYC002180.

124) Attached hereto as Exhibit 122 is an Email from Kaye dated November 28, 2018 with the Subject: Meeting 12/4, baring the bates stamp series: NYC003831.

- 125) Attached hereto as Exhibit 123 is an Email from Kaye dated November 29, 2018 with the Subject: Meeting 12/4, baring the bates stamp series: NYC002302-NYC002304.
- 126) Attached hereto as Exhibit 124 is an Email from Kaye dated November 29, 2018 with the Subject: Re: Meeting 12/4, baring the bates stamp series: NYC00914-NYC00916.
- 127) Attached hereto as Exhibit 125 is an Email from Kalish dated November 30, 2018 with the Subject: Meeting, baring the bates stamp series: NYC00944-NYC00948.
- 128) Attached hereto as Exhibit 126 is an Email from Kaye dated February 25, 2019 with the Subject: Urgent KRONOS Issue Cannot Enter Time, baring the bates stamp series: NYC001312.
- 129) Attached hereto as Exhibit 127 is an Email from Kaye dated April 8, 2019 with the Subject: KRONOS Sunday 3/31, baring the bates stamp series: NYC003947.
- 130) Attached hereto as Exhibit 128 is an Email from Kaye dated May 29, 2019 with the Subject: FMLA annual Schedule and Balance, baring the bates stamp series: NYC002880-NYC002882.
- 131) Attached hereto as Exhibit 129 is an Email from Kaye dated October 17, 2019 with the Subject: Annual Leave Request, baring the bates stamp series: NYC001745-NYC001746.
- 132) Attached hereto as Exhibit 130 is an Email from Jain dated November 7, 2018 with the Subject: Re: Draft Psychological Testing Policy, baring the bates stamp series: NYC000818-NYC00821.
- 133) Attached hereto as Exhibit 131 is an Email from Mundy dated November 7, 2019 with the Subject: Draft Psychological Testing Policy, baring the bates stamp series: NYC000837-NYC000838.

134) Attached hereto as Exhibit 132 is an Email from Jain dated November 8, 2018 with the Subject: Draft Psychological Testing Policy, baring the bates stamp series: NYC000843- NYC000844.

135) Attached hereto as Exhibit 133 is an Email from Fong dated October 5, 2018 with the Subject: FMLA, baring the bates stamp series: NYC003369.

136) Attached hereto as Exhibit 134 is Kaye's FMLA form dated October 12, 2018, baring the bates stamp series: NYC02534-NYC002537.

137) Attached hereto as Exhibit 135 is Dr. Kaye's FMLA Usage Tabulation Covering the Period of October 2018 through April 2019.

138) Attached hereto as Exhibit 136 is an Email from Fong dated October 17, 2018 with the Subject: ReKayeFMLA 08Oct18, baring the bates stamp series: NYC00739-NYC00740.

139) Attached hereto as Exhibit 137 is an Email from Kaye dated October 29, 2018 with the Subject: Re: Timesheet Not Processed, baring the bates stamp series: NYC002487-NYC002488.

140) Attached hereto as Exhibit 138 is Correspondence from Mendez dated October 30, 2018 baring the bates stamp series: NYC003394.

141) Attached hereto as Exhibit 139 is Dr. Kaye's FMLA Application dated October 12, 2018, baring the bates stamp series: NYC00725-NYC00728.

142) Attached hereto as Exhibit 140 is Dr. Kaye's Request for FMLA Child Care and Military Leave dated 10/8/18, baring the bates stamp series: NYC00729-NYC00730.

143) Attached hereto as Exhibit 141 is an Email from Kaye dated January 29, 2019 with the Subject: FW: Updated FMLA, baring the bates stamp series: NYC003893.

144) Attached hereto as Exhibit 142 is a Letter from Mendez dated February 15, 2019 with the Subject: Intermittent FMLA, baring the bates stamp series: NYC001276-NYC001277.

145) Attached hereto as Exhibit 143 is an Email from Fong dated May 21, 2019 with the Subject: FMLA Annual Schedule and Balance, baring the bates stamp series: NYC002816-NYC002818.

146) Attached hereto as Exhibit 144 is an Email from Kaye dated June 21, 2019 with the Subject: FMLA Annual Schedule and Balance, baring the bates stamp series: NYC002954-NYC002957.

147) Attached hereto as Exhibit 145 is an Email from Wong dated July 2, 2019 with the Subject: RE: FMLA Annual Schedule and Balance, baring the bates stamp series: NYC002979-NYC002982.

148) Attached hereto as Exhibit 146 is an Email from Kaye dated November 26, 2019 with the Subject: Pay Deductions Grievance Sought, baring the bates stamp series: NYC003169-NYC003172.

149) Attached hereto as Exhibit 147 is an Email from Swenson dated March 7, 2019 with the Subject: I am making mistakes so you don't have to, baring the bates stamp series: NYC002606-NYC002607.

150) Attached hereto as Exhibit 148 is an Email from Yang dated April 4, 2019 with the Subject: Re: Referral, baring the bates stamp series: NYC002690.

151) Attached hereto as Exhibit 149 is the Controversion Hearing of Jose Gonzalez dated February 7, 2019, baring the bates stamp series: D01147-D01277.

152) Attached hereto as Exhibit 150 is the American Academy of Psychiatry and the Law: Video Recording of Forensic Psychiatric Evaluations.

153) Attached hereto as Exhibit 151 is a Memo from Ford Signed July 1, 2019 with the Subject: Audio Recording of 730 Competency Evaluations, baring the bates stamp series: NYC001521.

154) Attached hereto as Exhibit 152 is Corporate Compliance's Final Confidential Investigatory Information Memorandum from Patsos to Yang dated May 9, 2019, baring the bates stamp series: NYC002797-NYC002800.

155) Attached hereto as Exhibit 153 is the Deposition of Melissa Kaye, M.D. Re-Direct as taken on February 3, 2022.

156) Attached hereto as Exhibit 154 is an Email from Kaye dated March 8, 2019 with the Subject: FW: Audit: Kaye, Melissa, baring the bates stamp series: NYC002608-NYC002609.

157) Attached hereto as Exhibit 155 is an Email from Kaye dated May 7, 2019 with the Subject: CHS Pfishing Email Physician Credentialing Failure to Advise, baring the bates stamp series: NYC002780-NYC002781

158) Attached hereto as Exhibit 156 is an Email from Wangel dated March 8, 2019 with the Subject: Audit -Kaye, Melissa, baring the bates stamp series: NYC002626-NYC002628.

159) Attached hereto as Exhibit 157 is an Email from Swenson dated May 31, 2019 with the Subject: Assistance with Bronx, baring the bates stamp series: NYC002833-NYC002834.

160) Attached hereto as Exhibit 158 is an Email from Swenson dated March 14, 2019 with the Subject: Audit Kaye, Melissa, baring the bates stamp series: NYC002642-NYC002645.

- 161) Attached hereto as Exhibit 159 is an Email from Fong dated July 3, 2018 with the Subject: HR/PR Audit Report 7/2, baring the bates stamp series: NYC002015.
- 162) Attached hereto as Exhibit 160 is the Deposition of Catherine Patsos (Patsos Dep.)
- 163) Attached hereto as Exhibit 161 is Dr. Kaye's Driver's License, baring the bates stamp series: D00014.
- 164) Attached hereto as Exhibit 162 is an Email from MacDonald dated June 18, 2019 with the Subject: Re: Did we Complete the Discipline, baring the bates stamp series: NYC002946.
- 165) Attached hereto as Exhibit 163 is an Email from Ford dated June 7, 2019 with the Subject: Re: Dr. Kaye Warning Memo, baring the bates stamp series: NYC0004002.
- 166) Attached hereto as Exhibit 164 is an Email from Kaye date October 2, 2018 with the Subject: Notes, baring the bates stamp series: NYC00655.
- 167) Attached hereto as Exhibit 165 is an Email from Bloom dated December 18, 2019 with the Subject: Butler, baring the bates stamp series: Kaye6thProd00564-Kaye6thProd00566.
- 168) Attached hereto as Exhibit 166 is an Email from Jain dated December 18, 2019 with the Subject: Butler, baring the bates stamp series: Kaye6thProd00567-Kaye6thProd00570.
- 169) Attached hereto as Exhibit 167 is an Email from Jain dated December 18, 2019 with the Subject: Butler, baring the bates stamp series: Kaye6thProd00571-Kaye6thProd00575.
- 170) Attached hereto as Exhibit 168 is an Email from Bloom dated January 16, 2019 with the Subject: Travel on Fridays, baring the bates stamp series: Kaye6thProd00609.
- 171) Attached hereto as Exhibit 169 is Dr. Kaye's Board of Correction Complaint dated January 7, 2020.

172) Attached hereto as Exhibit 170 is an Email from Newton dated March 23,2018 with the Subject: Third Party Communications, baring the bates stamp series: NYC001950.

173) Attached hereto as Exhibit 171 is an Email from Kaye dated January 9, 2020 with the Subject: Resignation.

174) Attached hereto as Exhibit 172 is an Email from Kaye dated March 12, 2018 with the Subject: Redacted, baring the bates stamp series: NYC001937-NYC001938.

175) Attached hereto as Exhibit 173 is an Email from Kaye dated November 28, 2018 with the Subject: Redacted, baring the bates stamp series: NYC003830.

Dated: Queens, New York  
May 25, 2022

Respectfully submitted,

/s/

---

SPECIAL HAGAN, ESQ.  
Law Offices of Special Hagan  
88-08 Justice Avenue, Apt. 16i  
Elmhurst, New York 11373  
[special@haganlawoffices.net](mailto:special@haganlawoffices.net)

Attorney for Plaintiff  
MELISSA KAYE, M.D.